

AMENDED IN ASSEMBLY AUGUST 24, 2006

AMENDED IN ASSEMBLY AUGUST 10, 2006

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN SENATE MAY 11, 2006

AMENDED IN SENATE MAY 2, 2006

SENATE BILL

No. 1696

Introduced by ~~Senators Dunn and Speier~~ Senator Dunn

February 24, 2006

~~An act to add Section 421 to the Penal Code, relating to the public peace.~~
An act relating to the Los Angeles County Superior Court.

LEGISLATIVE COUNSEL'S DIGEST

SB 1696, as amended, Dunn. ~~National Guard: public peace.~~*Los Angeles County Superior Court: employees.*

Existing law provides that each trial court may establish a salary range for each of its employee classifications, and considerations shall include, but are not limited to, local market conditions and other local compensation-related issues such as difficulty of recruitment or retention.

This bill would require the Los Angeles County Superior Court to pay each employee in a bargaining unit represented by any specified employee organization an amount equivalent to the additional amount the employee would have received if the reclassification raise the employee received on October 1, 2005, had been retroactive to August 1, 2005.

~~Existing law provides that state and local law enforcement agencies are to enforce state law.~~

~~This bill would provide that, except in cases and under circumstances expressly authorized by the California Constitution or act of the Legislature, or instances of supporting state or federally authorized counterdrug programs, any member of the Military Department, including the National Guard, who willfully engages in surveillance is guilty of a misdemeanor punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding \$50,000, or both.~~

~~By defining a new crime this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~*no*.
State-mandated local program: ~~yes~~*no*.

The people of the State of California do enact as follows:

- 1 *SECTION 1. The Los Angeles County Superior Court shall*
- 2 *pay each employee in a bargaining unit represented by any of the*
- 3 *following employee organizations an amount equivalent to the*
- 4 *additional amount the employee would have received if the*
- 5 *reclassification raise the employee received on October 1, 2005,*
- 6 *had been retroactive to August 1, 2005:*
- 7 *(a) American Federation of State, County and Municipal*
- 8 *Employees Local 276, Mediators and Evaluators.*
- 9 *(b) American Federation of State, County and Municipal*
- 10 *Employees Local 575, The Los Angeles County Superior Court*
- 11 *Clerks Association.*
- 12 *(c) American Federation of State, County and Municipal*
- 13 *Employees Local 910, The Los Angeles Superior Court Legal*
- 14 *Professional Unit.*
- 15 *(d) American Federation of State, County and Municipal*
- 16 *Employees Local 3271, The Los Angeles Superior Court*
- 17 *Professional Employees.*

1 *(e) American Federation of State, County and Municipal*
2 *Employees Local 3302, The Los Angeles Superior Court*
3 *Clerical.*

4 *SEC. 2. Due to the unique circumstances of the Los Angeles*
5 *County Superior Court in which many of their employees are*
6 *labeled as “limited term” when, in fact, they occupy regular,*
7 *continuous positions, and their law clerks are kept for longer*
8 *than 180 days but receive only the benefits of temporary*
9 *employees and are systematically terminated at the end of their*
10 *two-year limited terms, the Legislature hereby finds and declares*
11 *that a general statute cannot be made applicable within the*
12 *meaning of Section 16 of Article IV of the California*
13 *Constitution. Therefore, the special legislation contained within*
14 *Section 1 of this act is necessarily applicable only to the Los*
15 *Angeles County Superior Court.*

16 ~~SECTION 1. Section 421 is added to the Penal Code, to read:~~

17 ~~421. (a) Except in cases and under circumstances expressly~~
18 ~~authorized by the California Constitution or act of the~~
19 ~~Legislature, any member of the Military Department, including~~
20 ~~the National Guard, who willfully engages in surveillance is~~
21 ~~guilty of a misdemeanor punishable by imprisonment in a county~~
22 ~~jail for not more than one year, or by a fine of not more than fifty~~
23 ~~thousand dollars (\$50,000), or by both imprisonment and that~~
24 ~~fine.~~

25 ~~(b) This section shall not apply to use of Military Department~~
26 ~~forces, including the National Guard, called upon by the~~
27 ~~Governor pursuant to Section 143 or 146 of the Military and~~
28 ~~Veterans Code or pursuant to any provision of the California~~
29 ~~Constitution or other statute expressly authorizing that activity.~~
30 ~~This section shall not apply to participation of Military~~
31 ~~Department forces in support of state or federally authorized~~
32 ~~counterdrug programs.~~

33 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
34 ~~Section 6 of Article XIII B of the California Constitution because~~
35 ~~the only costs that may be incurred by a local agency or school~~
36 ~~district will be incurred because this act creates a new crime or~~
37 ~~infraction, eliminates a crime or infraction, or changes the~~
38 ~~penalty for a crime or infraction, within the meaning of Section~~
39 ~~17556 of the Government Code, or changes the definition of a~~

- 1 ~~crime within the meaning of Section 6 of Article XIII B of the~~
- 2 ~~California Constitution.~~

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